

Report to the Board of Adjustment

Prepared by the Maricopa County Planning and Development Department

Case: BA2006037

Variance

Hearing Date:

May 10, 2006

Agenda Item:

11

Supervisory District:

2

Applicant/Owner:

Donald and Martha Murphy

Request:

Variance to:

Permit an existing detached garage to setback 14 feet from the side (north) property line where 30 feet is the minimum required in the Rural-43 zoning district.

This variance is requested from the following Zoning Ordinance Section(s):

Section 503, Article 503.4.2

Site Location:

736 N. Signal Butte Road - Brown Road and Signal Butte Road area (Mesa area)

Site Size:

53,210 square feet (1.22 acres)

Existing Zoning:

Rural-43

Current Use:

Residential

Citizen

Support/Opposition:

None known

Staff

Recommendation:

Approve with stipulations

Existing On-Site and Surrounding Zoning:

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1. On-site: Rural-43
North: Rural-43
South: Rural-43
East: Rural-43 then R1-9 PAD (City of Mesa)
West: Rural-43

Existing On-Site and Surrounding Land Use:

2. On-site: Single-family residence
North: Single-family residence
South: Single-family residence
East: Signal Butte Road / Single-family residence
West: Single-family residence

Background:

3. **January 17, 1983:** A lot split was recorded (**83-17411**) to create lots 220-16-003K, and 220-16-003J from 220-16-003A.
4. **October 1, 1984:** A lot split was recorded (**84-354595**) to create lots 220-16-003V, and 220-16-003U from 220-16-003K.
5. **Circa 1986:** A single-family residence was constructed on the subject site.
6. **September 25, 1995:** The property owners obtained the subject site via a Deed of Trust recorded under docket number **95-05811181**.
7. **April 18, 2000:** A building permit (**B200004427**) for a proposed detached garage was applied for.
8. **September 19, 2000:** The completed detached garage passed final inspection.
9. **December 19, 2005:** The owners applied for a building permit (**B200517882**) for an addition. During the review of this permit staff discovered the existing detached garage did not meet the required side yard setback.
10. **March 15, 2006:** Staff sent a letter to the owner indicating building permit B200517882 could not be approved without a variance due to a zoning violation involving the garage.
11. **April 4, 2006:** The applicants met with staff for a pre-application meeting.

Findings:

12. **Maricopa County Department of Transportation:** No response at the time this report was written.
13. **Flood Control District:** No objection to the subject request (see attachment).
14. **Environmental Services Department:** No response at the time this report was written.
15. **Drainage Administration:** No drainage concerns.

Site Analysis:

16. The subject site is located on Signal Butte Road, approximately ½-mile south of the intersection of Brown Road and Signal Butte Road. The lot is rectangular in shape, measuring approximately 181-feet in width and 290-feet in depth. The total area of the subject site is approximately 52,850 square feet. Access is taken from the front (east) directly from Signal Butte Road. The subject site is relatively flat, and is free of any apparent physical or topographical hardships.



2005 aerial photo of subject site

17. The surrounding area is primarily rural residential, made up of mostly single-family residential homes with attached garages or carports. Landscaping throughout the area is minimal and comprised mostly of native desert vegetation.
18. Currently, an approximately 3,410 square foot single-family residence and an approximately 864 square foot detached garage exist on the subject site. An addition was proposed to be located on the southwest portion of the dwelling and is the subject of Building Permit B200517882. In the review of this permit, it was discovered the detached garage fails to meet the required side yard setback. The garage is located 14-feet from the side (north) property line where 30-feet is the minimum required. The bulk of the garage is located in the rear yard; however, approximately 14 feet of the east portion of the garage extends outside of the rear yard and is thus subject to the side yard setback.
19. The following table is included to illustrate and contrast the standards for the underlying zoning district with those proposed by the applicant.

Standard	Rural-43 Zoning District	Proposed Standard
Front Yard Setback	40-feet	236-feet
Rear Yard Setback (residence)	40-feet	68-feet
Rear Yard Setback (accessory)	3-feet	18-feet
Side Yard Setback (residence)	30-feet	50.5-feet
Side Yard Setback (accessory)	30-feet	14-feet
Street Side Setback	20-feet	n/a
Maximum Height	30-feet/2 stories	18-feet
Minimum Lot Area	43,560 sq. ft.	52,850 square feet
Minimum Lot Width	145-feet	181-feet
Lot Coverage	15%	8.1%
Maximum Rear Yard Coverage	30%	7.3%
Minimum Building Separation	15-feet	36-feet

*Standards indicated in **bold** do not meet minimum base zoning standards.

Land Use Analysis:

20. The subject site is located in the east Mesa area and is not part of a recorded subdivision. Devolvement of this area is occurring primarily through the lot splitting process. Most of this area is under recent development. The City of Mesa has incorporated a portion of the section located across from the subject site, in an area of somewhat higher residential density.
21. Staff research indicates that four relevant Board of Adjustment cases have been heard recently within the immediate area. The cases are summarized below:

- **BA2005119** was a request to permit an existing single-family residence to setback 15-feet from the side (south) property line where 30-feet is the minimum required in the Rural-43 zoning district. The request was denied by the Board of Adjustment. The property is located approximately ¼-mile north of the subject property at 1027 N. Signal Butte Road.
- **BA2004171** was for variance requests to permit: 1) an existing single family residence to setback 68-feet from the front (south) property line where 80-feet is the minimum required in the Rural-43 zoning district; and 2) an existing detached accessory structure (barn) to setback 12-feet from the side (west) property line where 30-feet is required. Request one was approved with stipulations. Request two was denied by the Board of Adjustment. The property is located approximately ½-mile west of the subject property at 10218 E Adobe Street.
- **BA2001078** was a request to permit a proposed accessory structure to setback 10.5-feet from the side (south) property line where 30-feet is the minimum required in the Rural-43 zoning district. The request was approved by the Board of Adjustment. The property is located approximately ¾-mile west of the subject property at 740 N. 101st Place.
- **BA2001031** was for variance requests to permit: 1) an existing single family residence to setback 23-feet from the side (south) property line where 30-feet is required in the Rural-43 zoning district; and 2) an existing single family residence to setback 39-feet from the front (east) property line where 40-feet is the minimum required. The request was approved by the Board of Adjustment. The property is located approximately ¾-mile southwest of the subject property at 542 N. 101st Place.

Plan Analysis:

22. The applicant is requesting a variance to permit an existing detached garage to setback 14-feet from the side (north) property line where 30-feet is the minimum required in the Rural-43 zoning district. On December 14, 2005, the applicant applied for a building permit (**B200517882**) to construct an addition to the existing single-family residence. It was discovered during a zoning review that a portion of the existing garage encroaches into the side (north) setback. The applicant was notified of the zoning violation via letter dated March 15, 2006 and advised that a variance must be obtained before further permits may be approved.
23. The detached garage is a 36-foot by 24-foot structure located in the northwest portion of the subject property. Approximately 22-feet of the garage is located within the rear yard. Accessory structures may be placed up to 3-feet from the side and rear property lines in the Rural-43 zoning district if located entirely within the rear yard. Approximately 14-feet of the garage projects outside of the required rear yard and is therefore subject to the 30-foot minimum side yard setback requirement. The Zoning

Clearance for the detached garage was approved in error under permit number B20004427.

24. Considering the nature of the request, staff is of the opinion that allowing an approximate 14-foot portion of the existing detached garage to encroach 16-feet into the side (north) setback will have minimal impact to the subject site and/or adjacent parcels. The applicant is not proposing to build any additional structures or modify existing structures that would encroach into any setback. All that is being proposed at this time is an addition to the residence, which appears to be within compliance in respect to the Zoning Ordinance.
25. Staff is of the conclusion that the hardship was not self created and was a result of the erroneous granting of a building permit. Granting this request would have minimal effect and would not confer a special privilege to the applicant. Staff recommends approval of this request.

Recommendation: (BA2006037)

26. Staff recommends **approval** of the variance request based on the following:
 - Granting this request will not result in a negative impact on surrounding properties.
 - The relief requested is the minimum required necessary to provide the owner with full use and enjoyment of the property.
 - There is a unique circumstance on the site due to the erroneous granting of a building permit.

Subject to the following stipulation:

- a) General compliance with the site plan stamped received April 4, 2006.
27. If the Board finds that a reasonable use of the property can be made without this variance, then this request should be denied.

gcb

Attachments: Case Map BA2006037
Zoning Map
Assessor Map
Site Plan
Application
Supplemental Questionnaire
Photos
Floodplain Review Response